

Remarks

Applicant thanks the Examiner for withdrawing the rejection under 35 U.S.C. § 112, second paragraph and the rejections under 35 U.S.C. § 102(b) over Treadwell and Corte.

Amendments to the Claims

Claim 1 has been amended to recite a Markush group (“a surgical incision, a cut, a stretch, a tear, a pull, an abrasion, a tissue punch, a burn, a crush, a scrape, a contusion, a bruise, a puncture, and a cold-induced lesion”). Members of the Markush group are disclosed on page 3, lines 19-21.

Claims 2, 15, 17, 19, 25, and 27 have been amended to be in independent form. Claims 28-30 have been amended to be dependent on claim 27, which now is in independent form.

None of the amendments add new matter. The amendments to claims 2, 15, 17, 19, 25, and 27-30 comply with a requirement of form set forth on page 4 of the final Office Action. The amendment to claim 1 responds to a rejection first made in the final Office Action and places claim 1 and its dependent claims in better form for appeal.

Claims 3-6 have been canceled, and new claim 31 has been added. New claim 31 recites subject matter previously encompassed in claim 16. It does not add new matter and does not require a new search.

Applicant respectfully requests entry of the amendments and of new claim 31.

The Rejections of Claims 1, 16, 18, and 24 Under 35 U.S.C. § 102(b)

Claims 1, 16, 18, and 24 stand rejected under 35 U.S.C. § 102(b) as anticipated by Rosenbaum *et al.*, *American Heart Journal* 106, 957-64, 1983 (“Rosenbaum”) and by Ahmed *et al.*, *Cardiovascular Drugs and Therapy* 9, 827-28, 1995 (“Ahmed”). Applicant respectfully traverses the rejections.

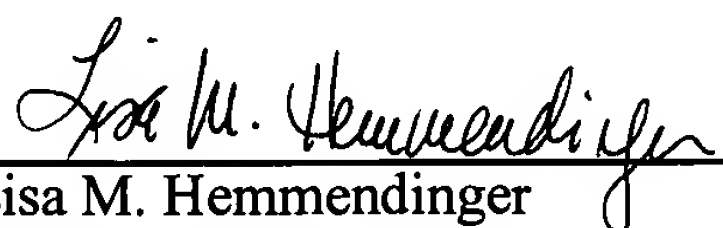
To anticipate a claim under 35 U.S.C. § 102, each and every element as set forth in the claim must be found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987). Neither Rosenbaum nor Ahmed discloses each element of amended independent claim 1.

Claim 1 as amended recites a method of increasing healing of a heart wound in a euthyroid adult mammal . . . “wherein the heart wound is selected from the group consisting of a surgical incision, a cut, a stretch, a tear, a pull, an abrasion, a tissue punch, a burn, a crush, a scrape, a contusion, a bruise, a puncture, and a cold-induced lesion.” Neither Rosenbaum nor Ahmed teaches a euthyroid adult mammal with one of the recited heart wounds. Thus, neither Rosenbaum nor Ahmed anticipates independent claim 1 or dependent claims 16, 18, or 24.

Applicant respectfully requests withdrawal of the rejections.

Respectfully submitted,
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